THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.28173 OF 2005

Date: 07-12-2006

Between:

Smt.K.Vijayalakshmi
and another … Petitioners

and

The Revenue Divisional Officer,
Karimnagar and another …
Respondents

ORAL ORDER:-

This writ petition is misconceived. The petitioners seek a declaration that the action of the respondent in acquiring the petitioners land without initiating appropriate and legal proceedings and without paying compensation under the Land Acquisition Act, 1894 as illegal and arbitrary and for a direction to the respondent to pay compensation.

According to the petitioners, their father was the owner, possessor and in enjoyment of an extent of Ac.0-10 guntas in Survey No.288, Dhobiwada karnivas of which Ac.0-05 guntas was acquired on 14.5.1985 for execution of a dhobi ghat and an award was also passed on 14.5.1988. Out of the balance Ac.0.05 guntas of land, 65 Square Yards was taken over for road widening. Petitioners allege that the 2nd petitioner's father died on 20.6.1994 leaving behind the 1st petitioner's-mother and the petitioner No.2. He alleges that the 2nd respondent issued a possession certificate for Ac.0-11 guntas of land to one Sri Madeleshwara Rajaka Co-operative Society Limited, Karimnagar including 540 Square yards of the petitioner. On the basis of such possession certificate issued by the 2nd respondent, the society started constructions over the petitioners land to their detriment. They claim that the land is valuable. Relief is sought on the aforesaid averments.

The petitioners do not seek invalidation of the possession certificate said to have been issued by the 2nd respondent. The particulars of the possession certification are not mentioned. There is not even an application seeking a direction to the 2nd respondent to produce for the perusal and consideration of this court, the possession certificate said to have been issued by the 2nd respondent. If the petitioners contention and assertions are true then the mere issue of a possession certificate by the 2nd respondent, of the lands belonging to the petitioners would confer no right or title on the Madeleshwara Rajaka Co-operative Society. Since the 2nd respondent despite being Mandal Revenue Officer cannot convey to any person a title, which does not inher in him either personally or an agent of the State, the appropriate remedy for the petitioners is to seek appropriate relief before a Civil Court of competent jurisdiction and not by way of this vague writ petition.

The Writ petition is accordingly dismissed with liberty to the petitioners to pursue the appropriate remedies. No costs.

Date:07-12-2006

_____

GRR/PNV

G.RAGHURAM,J

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.28173 OF 2005

-

-

-

-
-
-
-
-
-
-
-
-
-
-
-

Date: 07-12-2006